

EXHIBIT 21



**Don't let the Democratic Party,
ACORN/TOPS and Sylvia Garcia
take over Pasadena.**

Republicans, please vote for:

Steve Cote: City Council, At-Large

Darrell Morrison: City Council, At-Large

Bruce Leamon: City Council, District B

Emilio Carmona: City Council, District C

Bear Hebert: City Council, District D

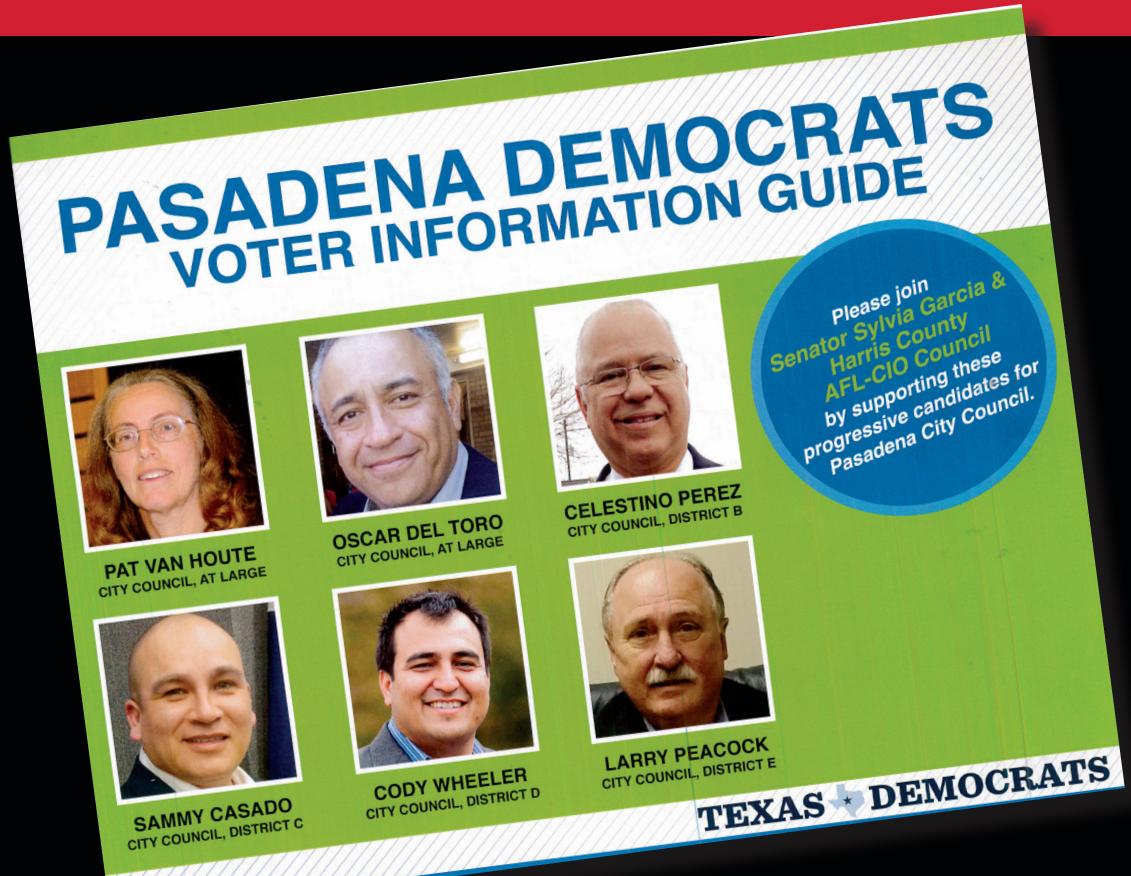
Cary Bass: City Council, District E

pd pol ad
Citizens To Keep Pasadena Strong
4808 Fairmont Parkway #193
Pasadena, TX 77505

FIRST CLASS
U.S. POSTAGE
PAID
PERMIT #2713
N. HOUSTON, TX

**Election Day is May 9th.
It is critical that all Republicans please vote.**

AN URGENT MESSAGE FOR PASADENA REPUBLICANS.



The Texas Democratic Party is trying to take over our city. This is their voter guide.

EXHIBIT 22

**Transcript of the Testimony of
Richard Scott**

Date:

July 08, 2016

Case:

ALBERTO PATINO VS. CITY OF PASADENA

Kim Tindall and Associates, LLC.
Phone: (210) 697-3400
Fax: (210) 697-3408
Email: ktindall@ktanda.com
Internet: www.KimTindallandAssociates.com

Richard Scott

July 08, 2016

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
 HOUSTON DIVISION

ALBERTO PATINO, et al.)
)
Plaintiffs,)
)
VS.) CIVIL ACTION NO.
)
CITY OF PASADENA, et al.,) 4:14-cv-03241
)
Defendants.)

ORAL DEPOSITION OF RICHARD SCOTT
JULY 8, 2016
VOLUME 2

14 ORAL DEPOSITION OF RICHARD SCOTT, produced as
15 a witness at the instance of the Plaintiff and duly
16 sworn, was taken in the above-styled and -numbered cause
17 on Friday, JULY 8, 2016, from 10:48 a.m. to 2:35 p.m.,
18 before ANDREA BALLANTYNE, CSR in and for the State of
19 Texas, reported by computerized stenotype machine, at
20 the offices of Pasadena City Hall, 1211 Southmore,
21 Pasadena, Texas, pursuant to the Federal Rules of Civil
22 Procedure and the provisions stated on the record
23 herein.

Richard Scott

July 08, 2016
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1 A P P E A R A N C E S
2

3 FOR THE PLAINTIFFS:

4 Ms. Nina Perales
5 Mr. Ernest I. Herrera
MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND
110 Broadway, Suite 300
6 San Antonio, Texas 78205
(210) 224-5476
7 www.maldef.org

8 FOR THE DEFENDANTS:

9 Ms. Kelly S. Sandill
10 ANDREWS KURTH, LLP
11 600 Travis, Suite 4200
Houston, Texas 77002
(713) 220-4181
12 kellysandill@andrewskurth.com

13 FOR THE WITNESS RICHARD SCOTT:

14 Mr. Andrew Drumheller
RUSTY HARDIN & ASSOCIATES, LLP
15 1401 McKinney, Suite 2250
Houston, Texas 77010
(713) 652-9000
16 adrumheller@rustyhardin.com

17
18 Also Present:

19 Ms. Kathleen Cullen
20
21
22
23
24
25

Richard Scott

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1 (Exhibit 1 through Exhibit 53 marked.)

2 RICHARD SCOTT,

3 having been duly sworn, testified as follows:

EXAMINATION

5 | BY MS. PERALES:

6 Q. Good morning.

7 A. Good morning.

8 Q. My name is Nina Perales, and I represent the
9 plaintiffs in this case. This is the resumed deposition
10 of Richard Scott.

11 | Can you tell me your name, please?

12 A. Richard Scott.

13 Q. I'd like to remind you, Mr. Scott, that you are
14 under oath. The oath that you have taken here is the
15 same oath that you take in court when you are in front
16 of the judge, and you are under the same obligation to
17 tell the truth here as you would be in front of the
18 judge in court. Do you understand?

19 A. I do.

20 Q. Is there any reason that you cannot give full
21 and truthful testimony today such as impairment because
22 of medication or illness or any other reason?

23 A. No.

24 Q. Is your personal e-mail address
25 samsafety@aol.com?

Richard Scott

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1 MS. CULLEN: 49.

2 MS. PERALES: That was 49.

3 Q. (BY MS. PERALES) I'm handing you what has been
4 marked Deposition Exhibit No. 50. Do you recognize this
5 as an e-mail from you to Jeff Yates dated April 21,
6 2015?

7 A. Yes.

8 Q. Okay. And on the back page -- okay. I think
9 we -- the front page is fine.

10 I'm handing you what has been marked
11 Deposition Exhibit No. 51 and 52. We'll discuss them
12 together.

13 MS. PERALES: Did you hand out 51 and 52?

14 MR. HERRERA: Yes.

15 Q. (BY MS. PERALES) Looking at Deposition
16 Exhibit 51 and 52, do you recognize yourself in these
17 photos?

18 A. Ashamed to say I do.

19 Q. Well, I think you look quite handsome in them.

20 Do you -- can you -- do you recognize these
21 as photos of you putting up a sign that says "vote
22 today"?

23 A. Yes.

24 Q. And do you remember when these photos were
25 taken? Do you remember?

Richard Scott

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1 A. It would be on election day, whichever was --
2 May the -- off the top of my head, I don't remember.

3 Q. And from 2015?

4 A. Yeah.

5 Q. Okay. And is that Mr. Kirby --

6 A. Cardenas?

7 Q. Yes.

8 A. Kirby Cardenas.

9 Q. Thank you.

10 A. Yes.

11 Q. I pronounce it a little bit differently; so I'm
12 glad you got that out there.

13 And he's helping you?

14 A. I think I was helping him put the sign up.

15 Q. Okay. And do you recall putting up vote today
16 signs at kind of -- near the streets of Crenshaw and
17 Fairmont on Space Center?

18 A. Yes.

19 Q. Okay. And then also the corner of Gleneagles
20 Drive and Space Center Boulevard?

21 A. In that general area, yes.

22 Q. Okay. Thank you. Do you remember putting up
23 signs anywhere else besides those two locations that I
24 mentioned?

25 A. We put them up probably at every polling place

Richard Scott

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1 Q. Do you recall what meeting this was or what
2 type of event this was?

3 A. I do not.

4 Q. How many meetings at Cullen's did Citizens for
5 Positive Change, PAC, host?

6 A. The only one meeting I know of was the meeting
7 we had, the kick-off meeting.

8 Q. Would you understand this receipt on the front
9 page of Exhibit 11 to reflect another meeting on
10 October 30, 2013?

11 A. It reflects a check on that date.

12 Q. A receipt? Yes?

13 A. A receipt. Yeah, a receipt that date, yeah. I
14 don't recall that at all.

15 Q. I see. And then right above it, there is a
16 check from Citizens for Positive Change to Cullen's. Is
17 that right?

18 A. Yes.

19 Q. It's for 723?

20 A. Yes.

21 Q. The time period for this meeting, October 30
22 2013, which is shortly before the November 2013
23 election, would you understand this to be another
24 meeting that was held or another event that was
25 sponsored by Citizens for Positive Change regarding the

Richard Scott

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1 Q. Okay. Do you remember why you wanted Tom
2 Langland to take a look at the article or why you
3 thought it was amazing?

4 A. He was our consultant. I figured he could take
5 a look at it, whatever it was, but I don't remember
6 sending it to him.

7 Q. Let's take a look at Deposition Exhibit No. 15.
8 Is it correct to say that in this e-mail you say to Tom
9 Langland -- and this is in either the second or the
10 third sentence, depending on how you look at it --
11 quote: The last mayor's race we could use and pull out
12 the Hispanic names, or we could take a look at each
13 precinct and do the same, unquote.

14 | Do you say that there?

15 A. Well, it's in the memo -- in the e-mail. This
16 was a -- evidently, this is an e-mail reflecting the
17 democratic and republican lists of voters.

18 Q. Tell me where it says democrat.

19 A. It doesn't say democrat at all, but it's
20 reflecting to the democrats and republicans. That's . . .

21 Q. Do you know any Hispanic republicans?

22 A. I do.

Q. Do you think that all Hispanics are democrats?

24 | A. Of course not.

25 Q. Stick with me for a minute on this.

Richard Scott

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1 A. I'm sure we did.

2 Q. And this is to ask people to volunteer. Is
3 that right?

4 A. Volunteer and work in the headquarters, yes.

5 Q. Okay. Would you have made more than 50 calls?

6 A. I don't know. I'm sure we did. I don't know
7 how many we made.

8 Q. Okay. And for you personally, how many calls
9 do you think you made?

10 A. I don't remember.

11 Q. More than 20?

12 A. I'm sure I did.

13 Q. Okay. Is it fair to say that at the kick-off
14 meeting at Cullen's on October 3, 2013, that there were
15 yard signs available for people to pick up?

16 A. Yes, there was, I believe.

17 Q. And did you phone any individuals to encourage
18 them to volunteer who were in leadership positions at
19 their homeowners associations?

20 A. No.

21 Q. Okay. So how did you decide who to phone to
22 ask them to volunteer?

23 A. Friends, political -- you know, people who like
24 politics, been involved in the campaigns over the years.

25 Q. Do you recall how many yard signs were made

Richard Scott

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1 overall for the 2013 campaign?

2 A. No.

3 Q. Who paid for the yard signs to be made?

4 A. I'm not sure who paid for the yard signs. It
5 either came out of the PAC money or it came out of --
6 probably Johnny's, the mayor's, political fund.

7 Q. Did you make any of those big signs that go by
8 the side the road?

9 A. No.

10 Q. Did you have -- you did some mailings for
11 November 2013 in support of the charter amendments,
12 correct?

13 A. Yes.

14 Q. And who paid for the mailings?

15 A. For the charter?

16 Q. Yes, for the charter.

17 A. The PAC did, I'm sure.

18 Q. Do you know if any palm cards or door hangers
19 were made up for the November 2013 election?

20 A. I don't remember door hangers. There may have
21 been.

22 Q. Did you do any block walking yourself for
23 November 2013?

24 A. No.

25 Q. You stayed at the headquarters?

Richard Scott

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1 A. I did.

2 Q. You were at command central?

3 A. I was a little bit smart.

4 Q. That's right. Because it's still hot at that
5 time of year, isn't it?

6 A. It's pretty warm.

7 Q. Let's take a look at Deposition Exhibit No. 21.
8 This is a document that you've identified as an e-mail
9 from you to Mr. Jeff Yates on October 1, 2013. You talk
10 about asking Mr. Yates to project the opponent's side to
11 this campaign. Was Mr. Yates brought on to do the
12 negative advertising for the campaign?

13 MS. SANDILL: Objection, form.

14 A. Jeff Yates was to do all the advertising for
15 the campaign, he and Tom.

16 Q. (BY MS. PERALES) Okay.

17 A. Yeah.

18 Q. In the fourth sentence on this e-mail, you say,
19 quote: I am attaching a letter from the opponent's
20 attorney with a threat, unquote.

21 The fourth sentence right here in the body
22 of your e-mail.

23 A. Yeah, I see it.

24 Q. Was that the letter from Rick Molina?

25 A. I don't have it on here, but I believe it was.

Richard Scott

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1 Q. Yeah.

2 A. I've seen it somewhere before.

3 Q. What was the threat that he was making?

4 A. I don't have a letter.

5 MR. DRUMHELLER: I think it was a part --

6 MS. SANDILL: 24.

7 THE WITNESS: You got it?

8 MS. PERALES: I'll get it. I'll get it.

9 It's right here across the top.

10 Q. (BY MS. PERALES) Let's take a look at
11 Deposition Exhibit No. 24. Go ahead and look at the top
12 page and then the letter behind it, so Yates Bates
13 stamped 205 and 206.

14 A. Got it.

15 Q. Go ahead and let me know when you've taken a
16 look at it, and I'll ask my question again.

17 A. Okay.

18 Q. In Exhibit 21 when you say, quote, I am
19 attaching a letter from the opponent's attorney with a
20 threat, unquote, what was the threat?

21 A. The attorney's threat was to force -- to file a
22 lawsuit against the city in violation of the federal
23 provisions and violation of our city charter.

24 Q. And that was to stop the election that --

25 A. That was to withdraw the recommendations for

Richard Scott

July 08, 2016
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1 the election, yes.

2 Q. Okay. On the charter amendments, right?

3 A. On the charter amendments, yes.

4 Q. Why did you send the letter to Jeff Yates?

5 A. Well, Jeff was our consultant for doing all of
6 our advertisement, political advertisement. I thought
7 he could use it, whatever he -- however he wanted to use
8 it.

9 Q. You described the people who sent the letter as
10 being from the opponent, and you mention the word
11 "opponent" several times in the e-mail, Exhibit 21.
12 When you were talking opponents, were you talking about
13 the four city council members that voted against placing
14 the charter amendments on the ballot?

15 A. No. The opponents would be everybody that
16 would be against our charter revision. Not just the
17 council members, but there were others involved also.

18 Q. Okay. When you say you're attaching a letter
19 from the opponent's attorney, did you understand Mr.
20 Molina to represent everybody who was in opposition to
21 the charter changes?

22 A. I did not know everyone he was representing,
23 no.

24 Q. But you knew the people -- the names of the
25 people he set out in his letter? Exhibit 24 he mentions

Richard Scott

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1 SIGNATURE PAGE

2 I, RICHARD SCOTT, have read the foregoing
3 deposition and hereby affix my signature that same is
4 true and correct, except as noted on the correction
5 page.

6

7 RICHARD SCOTT

8

9

10 THE STATE OF _____)
11 COUNTY OF _____)

12 Before me _____ on this day
13 personally appeared _____ known to me
[or proved to me on the oath of _____ or
14 through _____ (description of identity
card or other document)] to be the person whose name is
15 subscribed to the foregoing instrument and acknowledged
to me that he/she executed the same for the purposes and
16 consideration therein expressed.

Given under my hand and seal of office this _____
17 day of _____, 2016.

18

19

20 NOTARY PUBLIC IN AND FOR
THE STATE OF _____

21

22 My Commission Expires:

23 _____

24

25

Richard Scott

July 08, 2016
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1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

2

ALBERTO PATINO, et al.,)
Plaintiffs,)
VS.) CIVIL ACTION NO.
CITY OF PASADENA, et al.,) 4:14-cv-03241
Defendants.)

3

4

REPORTER'S CERTIFICATION
DEPOSITION OF RICHARD SCOTT
TAKEN JULY 8, 2016

5

I, ANDREA BALLANTYNE, Certified Shorthand Reporter
in and for the State of Texas, hereby certify to the
following:

That the witness, RICHARD SCOTT, was duly sworn by
the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

That the deposition transcript was submitted to the
ordering attorney, Ms. Nina Perales.

That a copy of this certificate was served on all
parties and/or the witness shown herein on

 ; I further certify that pursuant to FRCP Rule
30(f)(1) that the signature of the deponent:

XX was requested by the deponent or a party
before the completion of the deposition and that
signature is to be before any notary public and returned
within 30 days from date of receipt of the transcript.
If returned, the attached Changes and Signature Page
contains any changes and the reasons therefor:

 was not requested by the deponent or a party
before the completion of the deposition.

I further certify that I am neither counsel for,
related to, nor employed by any of the parties in the
action in which this proceeding was taken, and further
that I am not financially or otherwise interested in the
outcome of the action.

Richard Scott

July 08, 2016
Page 189

1

2 Subscribed and sworn to under my hand and seal of
3 office on this 19th day of July, 2016.

4

5

6

7

Andrea Ballantyne

8

ANDREA BALLANTYNE, CSR
TX CSR NO. 3511
Expiration Date: 12-31-17
Firm Registration No. 631
Kim Tindall & Associates, LLC
16414 San Pedro, Suite 900
San Antonio, Texas 78232
(210) 697-3400
(210) 697-3408

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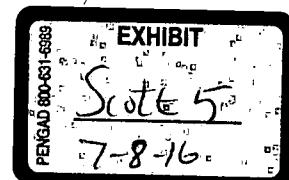
EXHIBIT 23

From: Richard <samsafety@aol.com>
To: fmarino <fmarino@hrgreen.com>
Subject: Re: Document1
Date: Tue, Oct 1, 2013 9:23 am
Attachments: HR Green.docx (18K)

Frank,
Please find attached the letter for our "Citizens for Positive Change" kick off on October 3rd, 2013.
Let me know if this will be ok...r

-----Original Message-----

From: Marino, Frank <fmarino@hrgreen.com>
To: samsafety <samsafety@aol.com>
Sent: Tue, Oct 1, 2013 9:13 am
Subject: Document1



PASADENA15021

TO: HR Green

October 1, 2013

ATTN: Frank Marino

RE: Citizens for Positive Change

"The Citizens for Positive Change" is hosting their kickoff meeting at 6:30 pm Thursday, October 3, 2013 at Cullen's Located at 11500 Space Center Blvd., Houston, Texas. Host contributions are requested starting at \$2000. Corporate checks may be addressed to "The Citizens for Positive Change" and delivered at the event or mail to P.O. Box 195, Pasadena, Texas 77505.

Richard Scott
Secretary

PASADENA15022

EXHIBIT 24

MAIL

From: KHollon@ci.pasadena.tx.us
To: samsafety@aol.com, rscott@ci.pasadena.tx.us
Subject: Meeting information
Date: 25-Sep-2013 10:37
Attachments: TEXT.htm [Save] [Open]
Creation Date: 25-Sep-2013 10:37
Store Date: 25-Sep-2013 17:40
Status: accepted,opened,read
Box Type: sent
Folder: Karen Hollon Home > Sent Items
Message Id: 5242BCDF.MailDomain.MailPO.200.20000B1.1.65B27.1

Karen - get with Cullen's reserve room over 70 plus people, have fruit and cheese and ice tea, coffee, water, get as many people there as possible. Keep Richard informed - October 3

October 7 - firefighters

September 30 - Queens

October 10th, 14, 21 and 28 - Mayors office!

Lets Rock...on it sir!

Committed to Improving Our Neighborhoods

Karen Hollon
Neighborhood Network Manager
City of Pasadena
Neighborhood Network Division
1211 Southmore
Pasadena, Texas 77501
713.475.7221 - office
khollon@ci.pasadena.tx.us



TEXT.htm

ATTACHMENT

Karen - get with Cullen's reserve room over 70 plus people, have fruit and cheese and ice tea, coffee, water, get as many people there as possible.

Keep Richard informed - October 3

October 7 - firefighters

September 30 - Queens

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Pasadena, Texas 77501
713.475.7221 - office
khollon@ci.pasadena.tx.us <<mailto:khollon@ci.pasadena.tx.us>>

EXHIBIT 25

MAIL

From: RScott@ci.pasadena.tx.us
To: khollon@ci.pasadena.tx.us
Subject: Re: Meeting information
Date: 25-Sep-2013 10:38
Attachments: TEXT.htm [Save] [Open]
Creation Date: 25-Sep-2013 10:37
Store Date: 25-Sep-2013 17:40
Status:
Box Type: received
Folder: Karen Hollon Home > Mailbox
Message Id: 5242BD07.MailDomain.MailPO.200.200009B.1.6A437.1

Thank's...r

>>> Karen Hollon 9/25/2013 10:37 AM >>>

Karen - get with Cullen's reserve room over 70 plus people, have fruit and cheese and ice tea, coffee, water, get as many people there as possible. Keep Richard informed - October 3

October 7 - firefighters

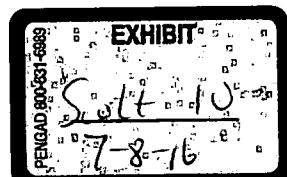
September 30 - Queens

October 10th, 14, 21 and 28 - Mayors office!

Lets Rock...on it sir!

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Karen Hollon
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1211 Southmore
Pasadena, Texas 77501
713.475.7221 - office
khollon@ci.pasadena.tx.us



PASADENA15006

TEXT.htm

ATTACHMENT

Thank's...r

>>> Karen Hollon 9/25/2013 10:37 AM >>>

Karen - get with Cullen's reserve room over 70 plus people, have fruit and cheese and ice tea, coffee, water, 'get as many people there as possible.

Keep Richard informed - October 3

October 7 - firefighters

September 30 - Queens

October 10th, 14, 21 and 28 - Mayors office!

Lets Rock...on it sir!

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Karen Hollon
Neighborhood Network Manager
City of Pasadena
Neighborhood Network Division
1211 Southmore
Pasadena, Texas 77501
713.475.7221 - office
khollon@ci.pasadena.tx.us <<mailto:khollon@ci.pasadena.tx.us>>

EXHIBIT 26

From: Richard <samsafety@aol.com>
To: tlangland <tlangland@RightOnTheMoney.net>
Subject: Fwd: Scanned from Mayor's Office
Date: Wed, Sep 4, 2013 11:09 am

Tom,

Yes I got the email about the precincts...The mayor and I spoke yesterday about the voters list. The last Mayor's race we could use and pull out the Hispanic names or we could take a look at each precinct and do the same..We have a lot of overlapping precincts in each district with a combination of mixed voters...Let me know your thought's on our first mail out..Is there anyway to get the republican voters lists for Pasadena. This might help with our cause.....r

-----Original Message-----

From: Tom Langland <tlangland@rightonthemoney.net>
To: 'Richard' <samsafety@aol.com>
Sent: Wed, Sep 4, 2013 9:55 am
Subject: RE: Scanned from Mayor's Office

I am getting the pictures. Did you get my email about the precincts to delete?

Tom Langland
Right On The Money
281-633-9797
RightOnTheMoney.net | [Twitter](#) | [Facebook](#) | [LinkedIn](#)

From: Richard [mailto:samsafety@aol.com]
Sent: Wednesday, September 04, 2013 9:47 AM
To: tlangland@RightOnTheMoney.net
Subject: Fwd: Scanned from Mayor's Office

Tom,

Let me know what you think....and if you are receiving these pictures and information...R

-----Original Message-----

From: Pasadena Mayor Office <XRXMayor@ci.pasadena.tx.us>
To: samsafety <samsafety@aol.com>
Sent: Wed, Sep 4, 2013 9:44 am
Subject: Scanned from Mayor's Office

Please open the attached document

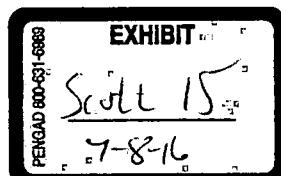


EXHIBIT 27

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 HOUSTON DIVISION

4 ALBERTO PATINO, et al.)
5)
6 Plaintiffs,)
7)
8 vs.) C.A. NO. 4:14-CV-03241
9)
10 CITY OF PASADENA,)
11 et al.,)
12)
13 Defendants.)

14 *****
15 ORAL DEPOSITION OF
16 CODY RAY WHEELER
17 *****
18 JUNE 22, 2016
19 *****
20 *****
21 THE ORAL DEPOSITION OF CODY RAY WHEELER,
22 produced as a witness at the instance of the Defendants,
23 and duly sworn, was taken in the above-styled and
24 numbered cause on the 22nd day of June, 2016, from
25 9:07 a.m. to 1:45 p.m., before Johnnie E. Barnhart, CSR
the record or attached hereto.

1 A P P E A R A N C E S
2

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09:07:02 1 CODY RAY WHEELER,
09:07:02 2 having been first duly sworn, testified as follows:
09:07:02 3 EXAMINATION
09:07:03 4 BY MS. AHLRICH:
09:07:03 5 Q. Please state your name for the record.
09:07:05 6 A. My name is Cody Ray Wheeler.
09:07:07 7 Q. Good morning, Mr. Wheeler. My name is Katie
09:07:10 8 Ahlrich. We met earlier this morning, didn't we?
09:07:12 9 A. Yes, we did.
09:07:13 10 Q. First, I want to go through just a little bit
09:07:15 11 about the deposition today and how we're going to
09:07:17 12 conduct it.
09:07:17 13 A. Okay.
09:07:18 14 Q. Have you ever had a deposition taken before?
09:07:19 15 A. Yes.
09:07:19 16 Q. In what type of matter was that?
09:07:23 17 A. The same as this one, had an attorney present,
09:07:27 18 being questioned by an attorney over a case.
09:07:29 19 Q. Was it a voting rights case?
09:07:30 20 A. It was an election contest.
09:07:33 21 Q. What election contest was it?
09:07:36 22 A. For election against myself and Leroy Stanley
09:07:40 23 that took place in 2013.
09:07:42 24 Q. What was the outcome of that case?
09:07:44 25 A. It was the dismissed without prejudice.

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09:33:19 1 was successful. And then, you know, after that, that's
09:33:22 2 when we saw these type of -- when we saw Hispanic
09:33:25 3 participation increase, that's when we saw the push for
09:33:28 4 at-large districts.

09:33:38 5 Q. So, tell me about when you first learned about,
09:33:42 6 as you call it, the push for at-large districts.

09:33:44 7 A. I think that was -- I don't remember what night
09:33:48 8 it was, but it was -- it was a council -- it was in the
09:33:51 9 council chambers, and the mayor was the first one to
09:33:57 10 present the idea.

09:34:04 11 Q. What did the mayor -- how did the mayor present
09:34:07 12 the idea?

09:34:07 13 A. He said that -- something with the -- now that
09:34:13 14 the Voting Rights Act is thrown out, we can redraw these
09:34:18 15 lines. We're not held back by the Justice Department.
09:34:25 16 And he wanted to draw the lines based on roadways and
09:34:28 17 then add at-large districts. And we -- we expressed our
09:34:32 18 concern that it would, you know, disenfranchise minority
09:34:37 19 voters. And then he made a comment that 70 percent
09:34:42 20 Hispanics are illegal anyways and -- it just -- it
09:34:44 21 showed a real contempt for that population on the north
09:34:47 22 side, and it was -- to me, it was pretty obvious what
09:34:50 23 was going on.

09:34:52 24 Q. What do you contend was pretty obvious was
09:34:56 25 going on?

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09:43:55 1 districts are regressive.

09:43:55 2 A. Uh-huh.

09:43:58 3 Q. And then you mentioned that you thought that
09:44:00 4 Mr. Stanley and Mr. Hebert and Mr. Isbell were in a camp
09:44:03 5 that was involved in --

09:44:12 6 A. And Hebert.

09:44:14 7 Q. Mr. Hebert, Mr. Wheeler and Johnny Isbell. How
09:44:17 8 would you characterize the camp you've put them in?

09:44:21 9 A. I would say contentious towards Hispanics. You
09:44:24 10 know, you -- if you look at the investment in the city,
09:44:27 11 you just drive around here, if you go down to the south
09:44:29 12 side of town, Fairmont, as opposed to Pasadena
09:44:32 13 Boulevard, you can see the way the roads are, you can
09:44:34 14 see the way the neighborhoods are. There's no
09:44:38 15 neighborhood associations, there's little to no
09:44:41 16 investment being put here, and there always -- always --
09:44:45 17 there's always another project down on Fairmont or on
09:44:48 18 Clear Lake. That's an issue.

09:44:50 19 Q. Would there be anybody else you would put in
09:44:53 20 the camp that is contentious toward Hispanics?

09:44:56 21 A. Off the top of my head, I can't think of
09:44:59 22 anyone.

09:45:02 23 Q. And with regard to the change to at-large
09:45:07 24 districts being regressive, you said -- I asked you if
09:45:12 25 you would still have that opinion if there was a

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09:55:50 1 Q. Are you aware of any written materials produced
09:55:54 2 by Mayor Isbell that you would contend would be evidence
09:55:59 3 of a discriminatory intent with respect to proposing the
09:56:02 4 mixed system?

09:56:04 5 A. You know, there was -- I think you can
09:56:07 6 interpret it how you want, but I know Isbell and his
09:56:11 7 camp. They put out -- I think they dog whistle
09:56:15 8 sometimes, and they put out a picture of me next to
09:56:17 9 Barack Obama, you know.

09:56:24 10 Q. What do you mean by "they dog whistle"? I'm
09:56:26 11 not familiar with that phrase.

09:56:27 12 A. Dog whistle is where you -- you say something
09:56:32 13 that -- how do I put this? You know, like a dog
09:56:35 14 whistle, only dogs can hear it? Well, if you're
09:56:38 15 trying -- if you're -- if someone is racist and
09:56:40 16 you -- you can say something subtly, and a racist will
09:56:43 17 pick up on it.

09:56:44 18 You know, like you put a -- like I know
09:56:47 19 that history -- Pasadena has a history of this, and
09:56:49 20 there's a famous mailer. It's called the blackbird
09:56:52 21 mailer. And there was a gentleman by the name of Joel
09:56:55 22 Redmond, a white gentlemen, and he was a Democrat, and
09:57:01 23 Ken Legler put a picture of Joel Redmond and had Sheila
09:57:06 24 Jackson Lee, Barack Obama, Al Sharpton, Garnet Coleman,
09:57:11 25 all these black figures, and they said: Birds of a

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09:57:14 1 feather flock together.

09:57:15 2 And so this is a tactic that's been kind of
09:57:18 3 used in this city before, what I call dog whistling.
09:57:22 4 And sometimes I feel like when you do things like that,
09:57:25 5 when you put me on a mailer and you try to tie me to
09:57:29 6 black or minority, other minority politicians, you're
09:57:33 7 dog whistling. And I think -- I don't know if y'all
09:57:37 8 have a copy of that. I don't have a hard copy, I don't
09:57:39 9 think.

09:57:39 10 MS. PERALES: We do.

09:57:39 11 THE WITNESS: Okay.

09:57:42 12 MS. PERALES: It's been marked.

09:57:56 13 THE WITNESS: Okay.

09:57:56 14 MR. MOLINA: You mean it's been marked --

09:57:58 15 MS. PERALES: In a previous deposition.

09:58:00 16 MR. MOLINA: Him with Obama, or are you
09:58:03 17 talking about the Redmond mailer?

09:58:03 18 THE WITNESS: Yeah.

09:58:03 19 MR. MOLINA: Or both?

09:58:05 20 THE WITNESS: Not the Redmond mailer, just
09:58:05 21 the one with Obama --

09:58:05 22 MS. PERALES: And the acorn?

09:58:07 23 THE WITNESS: And the acorn. Right.

09:58:29 24 (Exhibit No. 3 marked.)

09:58:29 25 Q. (By Ms. Ahlrich) You've been handed what's

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10:04:45 1 Will you please tell me what those are photographs of?

10:04:47 2 A. That is a photograph of Kirby Cardenas, Parks

10:04:53 3 and Rec. Director, and then Richard Scott. He is

10:04:56 4 the -- I think his title is Communication Director, but

10:04:59 5 I think essentially he's a campaign manager that gets

10:05:01 6 paid by the City. But they're putting out signs down

10:05:05 7 there on the south side of town on election day, and

10:05:08 8 these signs are not put on the north side of town.

10:05:10 9 They're only put down Fairmont and south.

10:05:18 10 Q. What do those signs say?

10:05:20 11 A. It says vote -- I think it says "vote today,

10:05:22 12 very important," if I remember correctly.

10:05:28 13 Q. What is the date of those photographs?

10:05:33 14 A. It was election day. Or it was the day before

10:05:37 15 election day is what it was. I don't remember what day

10:05:40 16 election day was, but I know it was the day before

10:05:43 17 election day.

10:05:43 18 Q. For what election?

10:05:44 19 A. The city council elections, 2015.

10:05:51 20 Q. And where -- what location is that?

10:05:53 21 A. I don't know. I don't know where it's at. I

10:05:56 22 know it's in the south part of town.

10:05:59 23 Q. Who took those photos?

10:06:00 24 A. A lady by the name of Kristie Lawhorn.

10:06:04 25 Q. How do you spell that?

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10:06:05 1 A. K-R-I-S-T-I-E, L-A-W-H-O-R-N.
10:06:12 2 Q. Who is Kristie Lawhorn?
10:06:14 3 A. She's a resident here in Pasadena. Her
10:06:17 4 son -- I mean her husband used to be the fire chief.
10:06:21 5 Assistant fire chief. I'm sorry.
10:06:24 6 Q. How did you get these pictures?
10:06:25 7 A. She sent them to me.
10:06:29 8 Q. How did she send them to you?
10:06:30 9 A. Text.
10:06:33 10 Q. Did she provide any comment when she sent these
10:06:35 11 pictures?
10:06:36 12 A. She called me and said, Hey, I think I just saw
10:06:38 13 Richard Scott and Kirby Cardenas putting signs out. And
10:06:44 14 I said, Really? I said -- she goes, I have a picture.
10:06:47 15 I said, Well, if you don't mind, send it to me. And I
10:06:49 16 think this was right around 5 o'clock. So, I don't know
10:06:50 17 if they were on city time or not. I just thought it was
10:06:55 18 interesting that two department heads were out putting
10:07:01 19 campaign signs out.
10:07:03 20 Q. Did those signs say anything other than vote
10:07:06 21 today?
10:07:07 22 A. Very important. Vote today, very important.
10:07:10 23 And so, they were obviously trying to drive
10:07:12 24 out the vote because these signs did not go north of
10:07:15 25 Fairmont. They didn't -- they were trying to drive the

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10:38:05 1 contend demonstrate the intent of the City to not have
10:38:14 2 neighborhood groups on the north side?

10:38:18 3 A. Yeah. Their inaction.

10:38:19 4 Q. But is there any action, are there any
10:38:23 5 statements made that you contend reflect an intention of
10:38:28 6 the City not to have neighborhood groups on its north
10:38:31 7 side? Are there any documents that you contend evidence
10:38:34 8 an intention by the City to not have neighborhood groups
10:38:36 9 on the north side of town?

10:38:37 10 A. No.

10:38:38 11 Q. And I'd like to take a step back. What do you
10:38:42 12 consider to be the north side of town?

10:38:43 13 A. I think generally people consider anything
10:38:45 14 north of Spencer. And it's funny because if you -- if
10:38:51 15 you stand on the intersection of Spencer and Preston and
10:38:55 16 you look south, you see a four-lane highway with median
10:39:00 17 and trees down the middle, and everything looks new.
10:39:02 18 And you look north, and it's just a beat-up road, you
10:39:06 19 know. And that's where a lot of people say the north
10:39:09 20 side starts.

10:39:10 21 Q. That is one thing you've mentioned, you think
10:39:15 22 that there's an inequality in the way City spends
10:39:18 23 funds -- the City spends funds. It's my understanding
10:39:22 24 that in 2013, there was a proposal to have a bond
10:39:26 25 election. Are you familiar with that?

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10:43:57 1 Q. Did you speak at that meeting?

10:44:00 2 A. Yes.

10:44:01 3 Q. What did you say?

10:44:03 4 A. I mean, I know I opposed redistricting, you

10:44:06 5 know. And I think my concern with the bond was that it

10:44:08 6 was a little too hefty. I mean, it was -- it was things

10:44:12 7 like buying fire engines with the bonds. You know, if

10:44:19 8 this bond takes 30 years to pay off but the life of a

10:44:22 9 fire engine is 15 years, then why have it on the bond?

10:44:27 10 And, you know, we broke down the -- I don't

10:44:28 11 have the numbers. I know Pat Van Houte has it. But

10:44:31 12 where the money was being spent. And I think like 75

10:44:34 13 percent of the money was being spent south of Spencer.

10:44:38 14 And so, you -- you can talk with her on that. So, where

10:44:41 15 the money was being spent, how it was being spent.

10:44:43 16 And even if they proposed a bond where it

10:44:47 17 said, Hey, you know, 80 percent of or 90 percent is

10:44:51 18 going to be spent on the north side of town, you're not

10:44:54 19 legally bound to spend that money on those streets that

10:44:59 20 you presented in the bond proposal. It just has to be

10:45:02 21 spent in this subject area. So, you know, you say 90

10:45:06 22 percent of these roads are going to be done, you could

10:45:07 23 actually turn around and spend it on 90 percent of the

10:45:10 24 roads in the south.

10:45:11 25 And that -- that was -- I think

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11:11:36 1 Q. Have you followed up on that?

11:11:37 2 A. I've submitted -- yeah, I've submitted it

11:11:39 3 multiple times.

11:11:39 4 Q. How many times?

11:11:40 5 A. At least two.

11:11:43 6 Q. Have you spoken with anybody about why it

11:11:45 7 hasn't been done?

11:11:46 8 A. No.

11:11:50 9 Q. Are there any other instances in which you feel

11:11:57 10 like the -- or you contend the City has failed to

11:12:00 11 respond to either one of your requests or a citizen's or

11:12:04 12 resident's request?

11:12:05 13 A. Not that I remember off the top of my head.

11:12:08 14 Q. Are you aware of any other instances in which

11:12:10 15 the City has failed to respond to another

11:12:13 16 councilmember's request?

11:12:14 17 A. Pat Van Houte is one.

11:12:18 18 Q. Do you know of any of her specific requests?

11:12:21 19 A. No. You can talk to her about that. And then

11:12:23 20 there's -- there's Pasadena Boulevard, Shaw Street,

11:12:26 21 Preston, several civil projects that haven't -- haven't

11:12:30 22 been completed, that money being moved away.

11:12:33 23 Q. So, you said previously that the mayor canceled

11:12:37 24 Shaw Street and Pasadena Boulevard.

11:12:37 25 A. Uh-huh.

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11:12:40 1 Q. And now you've mentioned Preston. What do you
11:12:42 2 mean by that?

11:12:42 3 A. Preston was a street that was on the agenda to
11:12:46 4 get done, and it wasn't. It hasn't -- hasn't been.

11:12:51 5 Q. When you say it was "on the agenda to get
11:12:54 6 done," what does that mean?

11:12:56 7 A. The City was planning on redoing that street.

11:13:01 8 Q. Do you know why it hasn't been redone?

11:13:03 9 A. Money has been taken from those projects, and
11:13:07 10 we bought land on the south side of town, and they want
11:13:11 11 to put a hockey team in, amateur hockey team. It's
11:13:17 12 going to cost like 375 million.

11:13:21 13 Q. So, are you saying that money had been
11:13:27 14 allocated to reconstruct or repave Shaw Street, Pasadena
11:13:34 15 Boulevard and Preston --

11:13:35 16 A. Yes.

11:13:35 17 Q. -- and that money has now been reallocated?

11:13:39 18 A. Yes.

11:13:39 19 Q. What was the process for that?

11:13:42 20 A. They canceled the projects. I know Pasadena
11:13:49 21 Boulevard, we -- I think it was -- somewhere -- I think
11:13:53 22 it was like 3.5 million to redo Pasadena Boulevard, and
11:13:58 23 we -- and that was on the agenda to get done, and then
11:14:00 24 we had to vote it down, and it went -- again, went 5-4.
11:14:05 25 His -- his people voted to redo -- to do away with that

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11:14:08 1 project. And then, the very next month we gave Second
11:14:12 2 Century 4.2 million to purchase land. And so, they
11:14:17 3 needed that money to make that land deal. And of
11:14:21 4 course, they'll say, Oh, it's unconnected. But it's
11:14:24 5 always unconnected, and the next month is always
11:14:27 6 something else they spend the money on.

11:14:28 7 Q. When did the vote on canceling Pasadena
11:14:34 8 Boulevard occur?

11:14:34 9 A. I don't remember. It was within the last five
11:14:38 10 months, I believe.

11:14:41 11 Q. And that was a vote taken by council?

11:14:43 12 A. Yes.

11:14:44 13 Q. When did the vote to appropriate money to
11:14:48 14 Second Century in the amount of \$4.2 million occur?

11:14:52 15 A. The next month. And the thing is we were -- we
11:14:54 16 were lied to. We were told, Hey, the county said
11:14:56 17 they're going to pick this -- this tab up. Well, then,
11:15:00 18 as it turns out, the county never agreed to that. We
11:15:03 19 had no agreement with the county, nothing in writing,
11:15:06 20 nothing in their bond proposal about Pasadena Boulevard.
11:15:10 21 And so, that was the -- the sad part about it is that we
11:15:13 22 were blatantly lied to, to get that money.

11:15:15 23 Q. Who told you that?

11:15:16 24 A. The mayor.

11:15:17 25 Q. What did the mayor say specifically?

1 I, CODY RAY WHEELER, have read the
2 foregoing deposition and hereby affix my signature that
same is true and correct, except as noted above.

3

4

5 CODY RAY WHEELER

6

7

8 THE STATE OF _____ :

9 COUNTY OF _____ :

10 Before me, _____, on
11 this day personally appeared CODY RAY WHEELER, known to
me (or proved to me under oath or through
12 _____) (description of identity card or other
document) to be the person whose name is subscribed to
the foregoing instrument and acknowledged to me that
they executed the same for the purposes and
consideration therein expressed.

13

14

15 Given under my hand and seal of office
16 this _____ day of _____, _____.

17

18

19 Notary Public in and for
20 The State of _____

21 My Commission Expires _____

22

23

24

25 Job No. 01-70521

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ALBERTO PATINO, et al.)
)
 Plaintiffs,)
)
vs.) C.A. NO. 4:14-CV-03241
)
CITY OF PASADENA,)
et al.,)
)
 Defendants.)

REPORTER'S CERTIFICATION
DEPOSITION OF CODY RAY WHEELER
TAKEN ON JUNE 23, 2016

I, JOHNNIE E. BARNHART, Certified Shorthand Reporter, hereby certify to the following:

That the witness, CODY RAY WHEELER, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

That the deposition transcript was submitted on _____, _____, to the witness or to the attorney for the witness for examination, signature and return to me by _____, _____.

That the amount of time used by each party at the deposition is as follows:

Ms. Kathryn K. Ahlrich - (03:52)
Ms. Nina Perales - (00:00)
Mr. Nick Molina - (00:00)

That pursuant to information given to the deposition officer at the time said testimony was taken, the following includes counsel for all parties of record:

Ms. Nina Perales - Attorney for Plaintiffs
Ms. Kathryn K. Ahlrich - Attorney for Defendants
Mr. Rick Molina - Attorney for Cody Ray Wheeler

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1 I further certify that I am neither counsel for,
2 related to, nor employed by any of the parties or
3 attorneys in the action in which this proceeding was
taken, and further that I am not financially or
otherwise interested in the outcome of the action.

4 Certified to by me this _____ day of _____,
5 _____.

6
7
8
9 JOHNNIE E. BARNHART, TEXAS CSR NO. 976
10 Expiration Date: December 31, 2016
CONTINENTAL COURT REPORTERS, INC.
Firm Registration No. 61
11 5300 Memorial Drive, Suite 250
Houston, TX 77007-8250
(713) 522-5080
12
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15
16
17
18
19
20
21
22
23
24
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1 FURTHER CERTIFICATION

2 The original deposition was/was not returned to the
3 deposition officer on _____;

4 If returned, the attached Changes and Signature
5 page contains any changes and the reasons therefor;

6 If returned, the original deposition was delivered
7 to _____, Custodial
Attorney;

8 That \$ _____ is the deposition officer's charges
9 to the _____ for preparing the original
deposition transcript and any copies of exhibits;

10 That the deposition was delivered in accordance
11 with Rule 30(f), and that a copy of this certificate was
12 served on all parties shown herein.

13 Certified to by me this _____ day of _____,
14 _____.

15 JOHNNIE E. BARNHART, TEXAS CSR NO. 976
16 Expiration Date: December 31, 2016
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18 Firm Registration No. 61
19 5300 Memorial Drive, Suite 250
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